

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION**

	X	
	:	
<b>In re:</b>	:	<b>Case No. 08-03423-EE</b>
	:	
<b>WAREHOUSE 86, LLC,</b>	:	<b>Chapter 11</b>
	:	
<b>Debtor.</b>	:	
	:	
	X	
	:	
<b>SCK, INC. and RADIOSHACK CORPORATION,</b>	:	<b>Adv. Pro. No. 09-00139-EE</b>
	:	
<b>Plaintiffs</b>	:	
	:	
<b>v.</b>	:	
	:	
<b>WAREHOUSE 86, LLC,</b>	:	
	:	
<b>Defendant.</b>	:	
	X	

**SUPPLEMENTAL RESPONSE TO  
AMENDED MOTION FOR PARTIAL SUMMARY JUDGMENT (Adv. Dkt. #30)**

Plaintiffs, SCK, Inc., f/k/a SC Kiosks, Inc. (“SCK”), and RadioShack Corporation (“RadioShack”), file this their Supplemental Response in Opposition to Defendant, Warehouse 86, LLC’s (the “Debtor”), Amended Motion for Partial Summary Judgment (Adv. Dkt. #30) (the “Motion”), as follows:

1. Plaintiffs timely filed a Response and Memorandum Brief in Opposition to the Motion (Dkt. # 36) (the “Response”), which is incorporated fully herein.
2. On May 6, 2010, this Court entered its Agreed Order Permitting Supplemental Response to the Motion (Dkt. # 37).
3. By way of a supplemental response, Plaintiffs would show the following:

- a. Debtor has requested partial summary judgment asserting, in part, that RadioShack has no interest in the Insurance Proceeds. In paragraph III of their Response (page 12 of 14), Plaintiffs state, in part, that:

**“...Yet, pursuant to the Debtor’s bankruptcy schedules, RadioShack has a secured claim against the Debtor in the amount of \$35,407.90 for the rent deposit under the Sublease...under section 16 of the Sublease, the Debtor was required to send all rental payments to RadioShack....”**

- b. According to Ernest K. Strahan, III, corporate representative of the Debtor, whose deposition was taken on May 5, 2010<sup>1</sup>, all checks written by the Debtor for monthly rental obligations pursuant to the Sublease were made payable to RadioShack. See an exemplar check payable to RadioShack, together with a monthly bill from RadioShack to Debtor, attached hereto as Exhibit “A”.

WHEREFORE, Plaintiffs respectfully request that the Court deny the Motion in its entirety and grant such other and further relief this Court deems proper and just.

Dated: May 17, 2010

**SCK, INC. and RADIOSHACK CORPORATION**

By: /s/ W. Lee Watt

**W. Lee Watt**

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<sup>1</sup> The deposition transcript has not been completed as of the date of filing of this Supplemental Response.

Marcus M. Wilson (MS Bar #7308)  
W. Lee Watt (MSB #6998)  
Andrew R. Wilson (MSB #102862)  
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**CERTIFICATE OF SERVICE**

I, W. Lee Watt, do hereby certify that I have this day forwarded a true and correct copy of the foregoing Supplemental Response to Amended Motion for Partial Summary Judgment (Adv. Dkt. #30) *via* Electronic Case Filing System to the following:

Stephen Rosenblatt  
[Steve.Rosenblatt@butlersnow.com](mailto:Steve.Rosenblatt@butlersnow.com)

Robert M. Frey  
[bob.frey@butlersnow.com](mailto:bob.frey@butlersnow.com)

Dated this the 17<sup>th</sup> day of May 2010.

/s/ W. Lee Watt  
**W. Lee Watt**

## **Exhibit A**

**WAREHOUSE 86, LLC****4148**

10284

RadioShack Corporation

00000000000002945

12/27/2007

Acct# Location: SCK Wareho

REFERENCE	INVOICE NUMBER	INV DATE	INVOICE AMOUNT	ADJUSTMENT	DISCOUNT	WRITE OFF	NET AMOUNT PAID
00000000000005364	JAN 08 RENT	1/1/2008	\$51,743.91	\$51,743.91	\$0.00	\$0.00	\$51,743.91
			\$51,743.91	\$51,743.91	\$0.00	\$0.00	\$51,743.91

**WAREHOUSE 86, LLC**

P O Box 16692

Jackson, MS 39236

Bank of America

91-170/1221

**4148**

DATE	12/27/2007
AMOUNT	\$51,743.91


**PAY 51,743.91**  
 ONLY Five One Seven Four Three CENTS

PAY Fifty One Thousand Seven Hundred Forty Three Dollars and 91 Cents

VOID AFTER 90 DAYS

TO THE  
 ORDER  
 OF  
 RadioShack Corporation  
 Rent Accounting Dept, Acct Sup  
 P O Box 961090  
 Fort Worth TX 76161-5014



CHECK IS PRINTED ON SECURITY PAPER WHICH INCLUDES A MICROPRINT BORDER &amp; FLUORESCENT FIBERS

⑈004148⑈ ⑆122101706⑆ 004654959451⑈

# RadioShack Corporation

Rent Accounting Dept., Acctg. Supvsr.  
300 RadioShack Circle, Mail Stop 5014  
PO Box 961090  
Ft. Worth, TX 76161-5014

Tele: 817.415.3691  
Fax: 817.415.0949

Invoice:

2 39448

BILL TO:

WAREHOUSE 86 LLC  
PO BOX 16692  
JACKSON, MS 39236

RadioShack 01-0674

Invoice Date 1/1/2008

Location: SCK Warehouse

Description	Period Covered	Amount
Balance from:	Dec-07	-
<u>Current Month</u> Minimum Rent	Jan-08	35,407.80
CAM	PAYS 100% CAM, Tax, Insurance	11,911.11
EQUIPMENT-CONV	billed by LL	4,425.00
EQUIPMENT-MHE	ARTICLE 6.(c)	-
s/t monthly Rent:	ARTICLE 6.(c)	-
	51,743.91	-
	Payment received	(51,743.91)
	Total Due	\$0.00

Remit to: **RadioShack Corporation**

Rent Accounting Dept., Acctg. Supvsr.  
300 RadioShack Circle, Mail Stop 5014  
PO Box 961090  
Ft. Worth, TX 76161-5014